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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,966	04/08/2004	Afshin Moshrefi	01-1015CON1	9554
32127 7590 07/23/2007 VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD, SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary	Application No. 10/820,966	Applicant(s) MOSHREFI ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-50,52,56-62 and 64-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-50,52,56-62 and 64-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-8-06/4-8-04</u> , <u>6-11-07</u> | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 38-47, 48-50, 52, 56-57, 59, 60-62, 64, 65, 66-71 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-15 of U.S. Patent No. 6,750,897. Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example claim 38 of the present application is an obvious variation of claim 1 of the U.S. Patent No. 6,750,897.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 38-39, 41-47, 48-49, 52, 66-67, 69, and 70-71, are rejected under 35

U.S.C 102(e) as being anticipated by Cruickshank (US PAT: 6,704,294).

Regarding claim 38, Cruickshank discloses a method of video conferencing comprising: establishing a circuit switched connection between a first party (110, fig. 1) and a second party (120, fig. 1, col. 1 lines 8-12), retrieving, responsive to establishment of the circuit switched connection, network address associated with the first and second parties from a remote database (118, fig. 1), establishing based on the retrieved network addresses (col. 3, line 66 – col. 5, line 7), a packet switched connection between the first party and second party to transmit video (claims 1-3).

Regarding claim 39, Cruickshank further teaches the following: circuit switched connection is established to transmit audio (col. 5 lines 5-8).

Regarding claim 41, Cruickshank further teaches the following: video is transmitted contemporaneously with audio (claim 4, col. 5 lines 5-8).

Regarding claim 42, Cruickshank further teaches the following: circuit switched connection connects a first telephone (110, fig. 1) associated with a first party to a second telephone (120, fig. 1) associated with the second party (claim 1).

Regarding claim 43, Cruickshank further teaches the following: packet switched connection is established across internet (col. 2 lines 32-42).

Regarding claim 44, Cruickshank further teaches the following: packet switched connection connects a first computer (112, fig. 5) associated with a first party to a second computer (512, fig. 5) associated with the second party (col. 5 lines 60-66).

Regarding claim 45, Cruickshank further teaches the following: first telephone number is associated with the first telephone (110, fig. 1) and a second telephone number is associated with the second telephone (120, col. 4 lines 11-36).

Regarding claim 46, Cruickshank further teaches the following: retrieving network addresses from the remote database (118, fig. 1) comprises performing a look-up of the remote database using the first and second telephone numbers (col. 4 lines 11-36).

Regarding claim 47, Cruickshank further teaches the following: the network addresses comprises Internet Protocol (IP) addresses (col. 4 lines 11-36).

Regarding claim 48, Cruickshank discloses a server comprising: a memory in (118, fig. 1) configured to store a look-up table that associates telephone numbers with network addresses, a communication interface (116, fig. 1) configured to: receive a called party telephone number and calling party telephone numbers associated with a connection to a circuit switched network, and a processing logic (not shown) configured to: retrieve network address associated with the called party number telephone number (for example 120, fig. 1 and 510, figs. 5-6) and a second network address associated with a calling party telephone number (110, figs. 1, 5-6) from the look-up table, wherein communication interface is further configured to: send a first message to a first node (522, fig. 5-6) associated with a called party number, wherein first message comprises the second network address, send a second message to the second node (124, figs. 5-

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6) associated the calling party number, wherein the second message comprises the first network address (col. 3, line 66 – col. 8, line 2).

Claim 49 is rejected on the same basis as claim 47.

Regarding claim 66, Cruickshank discloses a method, comprising: receiving called party identifier (120, fig. 1) of a called party from a calling party (110, fig. 1) having a calling party identifier, determining a called party IP address based on the called party identifier, determining a calling party IP address based on the calling party identifier, receiving a first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address (col. 3, line 66 – col. 5, line 26 and claim 4).

Regarding claim 67, Cruickshank further teaches the following: receiving a request from the calling party to initiate a video conference (this is implied as much as reference teaches requesting collaboration between two users which involve both exchange of audio and video (claims 1-4), sending a notification message to the calling party and the called party to request acceptance of video conference and receiving return messages from the calling party and called party accepting video conference (col. 3, line 66 – col. 8, line 2).

Regarding claim 69, Cruickshank further teaches the following: called party identifier and the calling party identifier are PSTN telephone numbers (col. 4 lines 11-36).

Regarding claim 70-71, Cruickshank further teaches the following: determining the called party IP address includes a first database associating the called party identifier with called party IP address, and wherein the determining of the calling party IP address includes accessing a second database associating the calling party IP address (col. 4 lines 11-36; col. 6, line 65 – col. 7, line 4), the first database and second database are the same.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Thompson et al. (US 2001/0056466A1, filed 12-19-2000, hereinafter Thompson).

Cruickshank differs from claim 40 in that he does not teach the following: packet switched connection is further established to transmit audio.

However, Thompson discloses communication system which teaches the following: packet switched connection is further established to transmit audio (paragraphs: 0005-0006, 0017, 0038).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: packet switched connection is further established to transmit audio as this arrangement would

facilitate transmitting voice through packet network as taught by Thompson, thus providing well known method for transmitting audio.

7. Claims 50 and 68 rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Diamant et al. (US 2002/0071539A1, filed 12-12-2000, hereinafter Diamant).

Cruickshank differs from claims 50 and 68 in that although he teaches exchanging messages to set up collaboration call (abstract); he does not teach the following: first message and the second message is sent via instant messaging, notification message and return messages are by instant messaging.

However, Diamant discloses method and apparatus for telephony enabled instant messaging which teaches the following: exchanging instant messages for setting up a conference call, notification message and return messages are by instant messaging for setting up a conference call (paragraph: 0004).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: first message and the second message is sent via instant messaging and notification message and return messages are by instant messaging for setting up a conference call as this arrangement would facilitate to set up conference call as taught by Diamant, thus facilitating call set up using instant messaging.

8. Claims 56-57, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Thompson.

Regarding claim 56, Cruickshank discloses a method of assisting in establishment of packet switched connection between nodes in a packet switched network, comprising: receiving telephone numbers, receiving network addresses in a packet switched network, associating each of the telephone numbers with respective one of the network addresses in a database, retrieving from the database, based on establishment of circuit switched connection between the two telephone numbers, respective network addresses with each of the two telephone numbers, and assisting in establishment of a packet switched connection between two nodes in the packet-switched network using the respective network addresses, wherein two each of the two nodes is associated with different one of the two telephone numbers (col. 3, line 66 – col. 5, line 25).

Cruickshank differs from claimed invention in that he does not teach the following: receiving plurality of telephone numbers and retrieving plurality of network addresses in connection with establishing packet switched connection.

However, Thompson teaches the following: receiving plurality of telephone numbers and retrieving plurality of network addresses in connection with establishing packet switched connection (figs. 1-2, 7; paragraphs: 0022- 0026; claims 1-5).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: receiving plurality of telephone numbers and retrieving plurality of network addresses in connection with establishing packet switched connection as this arrangement would facilitate multi party conferencing as taught by Thompson, thus facilitating

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conferencing/collaboration among many parties to exchange information, thus alleviating the need for parties to physically gather at one place.

Regarding claims 57 and 59, Cruickshank further teaches the following: network addresses comprise Internet Protocol (IP) network addresses (col. 4 lines 11-36), retrieving the network addresses via the packet-switched network (col. 6 lines 65-67).

9. Claims 60-62, 64, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Diament.

Regarding claim 60, Cruickshank discloses a method of video conferencing, comprising: establishing a circuit switched connection between a first party (110, figs. 1, 5-6) and a second party (120, fig. 1; 510, figs. 5-6), performing a look-up of a table, responsive to establishment of a circuit switched connection, to retrieve a first network address associated with the first party and second network address associated with the second party, using messaging to send network address to a first node (520, figs. 5-6) associated with the second network address and to send the second network address to a second node (124, figs. 5-6) associated with the first network address, establishing based on the first and second network addresses received at the first and second nodes, a packet switched connection between the first party and the second party to transmit video (col. 3, line 66 – col. 8, line 2).

Regarding claim 65, Cruickshank discloses a server, comprising: a memory in (118, fig. 1) configured to store a look-up table that associates telephone numbers with network addresses, a communication interface (116, fig. 1) configured to: receive a called party telephone number and a calling party telephone number associated with a

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connection in a circuit-switched network, and processing logic (not shown) configured to: perform a look-up table to retrieve a first network address associated with the called party telephone number and a second network address associated with the calling party telephone number, wherein the communication interface is further configured to: use messaging to send the first network address to a first node (520, figs. 5-6) associated with the second network address and to send the second network address to a second node associated with the first network address (col. 3, line 66 – col. 8, line 2).

Cruickshank differs from claims 60 and 65 although he discloses use of messaging to send the first network address to a first node (522, figs. 5-6) associated with the second network address and to send the second network address to a second node associated with the first network address; he does not teach use of instant messaging in connection with setting up a call.

However, Diamant teaches the following: use of instant messaging in connection with setting up a call (paragraph: 0004).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: use of instant messaging in connection with setting up a call as this arrangement would facilitate to set up conference call as taught by Diamant, thus facilitating call set up using instant messaging.

Regarding claims 61-62, 64, Cruickshank further teaches the following: table is stored at a location remote from the first party and second party (col. 6, line 65 – col. 7line 4), first network address and second network address comprises addresses in a

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packet switched network, first network address and the second network address comprises Internet Protocol (IP) addresses (col. 4 lines 10-36).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614